

PRO SE OFFICE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKBarry Haywood Jr. AKA- Anthony Howard

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

The City of New YorkPolice Officer Fidel HernandezPolice Officer Felipe FilippiSergeant William SampleLieutenant Perez

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

## I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name Anthony Howard  
 ID# 241-12-09423  
 Current Institution RNDC C-74 (Rikers Island)  
 Address 11-11 Hazen St. East Elmhurst, NY 11370

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Sergeant William Sample Shield # 4396  
 Where Currently Employed Patrol Borough Bronx Task Force  
 Address 1278 Sedgewick Avenue, Bronx, NY 10451

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #: 8613  
 DATE FILED: 8/6/13

(Second)

AMENDED

COMPLAINT

under the Civil Rights Act,  
42 U.S.C. § 1983Jury Trial:  Yes  No  
(check one)

13 Civ. 166 (PAE) (JLC)

RECEIVED  
 AUG - 6 2013  
 PRO SE OFFICE

Defendant No. 2

Name Police Officer Fidel Hernandez Shield # 20876  
 Where Currently Employed Patrol Borough Bronx Task Force  
 Address 1278 Sedgwick Avenue, Bronx, NY 10451

Defendant No. 3

Name Police Officer Felipe Filippi Shield # 3705  
 Where Currently Employed Patrol Borough Bronx Task Force  
 Address 1278 Sedgwick Avenue, Bronx, NY 10451

Who did what?

Defendant No. 4

Name Lieutenant Perez Shield # 000000  
 Where Currently Employed 401st Precinct  
 Address 257 Alexander Avenue, Bronx, NY 10454

Defendant No. 5

Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

N/A

B. Where in the institution did the events giving rise to your claim(s) occur?

N/A

C. What date and approximate time did the events giving rise to your claim(s) occur?

12 AM midnight of  
October 13<sup>th</sup> 2012

D. Facts: When the police arrived at the scene, they grabbed me by my neck and wrist. Officer Hernandez said that they were "gonna beat my ass". Officer Filippi started laughing, so I snatched my hand back and ran from them. While

What happened to you?

running they attempted to hit me with the police car. I jumped over the hood of the car and kept running. At this point more police started to chase me. While running across the over-pass of the Major Deegan Highway towards the Manhattan bridge, a police car came off the service road and hit me. My foot got caught in the tire and I lost a shoe. I couldn't run anymore because the hit from the car jammed my right big toe. I was tackled, hand cuffed, kicked & stomped, and even hit in the back of the head with what I believe to be a flashlight. After I was taken to the precinct they asked me my name, and I remained silent so they gave me a false name. They threw away most of my property and my jacket. They only voucherized my IPOD, and skateboard. I refused fingerprints because of the false name and they beat me again. Then they offered me food, soda, and cigarettes for the prints. After the prints I was given a voucher for the property with the officers name ripped off. There was a camera in the holding cell area that caught everything on October 13<sup>th</sup> at approximately 1:00 AM

Was anyone else involved?

Who else saw what happened?

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I was taken to the Hospital because it was hard for me to breath. I had a large cut on my face, bruised ribs, cracked elbow, and ~~had~~ a sprang ~~toe~~ toe from being hit by the car. I couldn't move my left arm for more then a month. I will be sending a copy of my Hospital papers along with this paper-work.

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes  No \_\_\_\_\_

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

40th Precinct Bronx, Ny

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes        No X Do Not Know       

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes        No X Do Not Know       

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes        No X

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes        No X

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

N/A

1. Which claim(s) in this complaint did you grieve?

N/A

2. What was the result, if any?

N/A

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

The desk sergeant on duty that night did nothing about the officers actions, and said that they should have shot me.

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

The Officer in charge saw what happened  
on camera and did nothing

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I will be sending all copies of paper work I obtained  
from the hospital and the 40<sup>th</sup> Precinct

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

**V. Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I want whatever I'm entitled  
to for the mental anguish, and the pain & suffering  
of excessive by the NYPD. I want action on the two  
police officers for their inappropriate behavior.

\$500,000

---

---

---

**VI. Previous lawsuits:**

On these claims

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes  No

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff N/A  
Defendants N/A

2. Court (if federal court, name the district; if state court, name the county) N/A

3. Docket or Index number N/A

4. Name of Judge assigned to your case N/A

5. Approximate date of filing lawsuit N/A

6. Is the case still pending? Yes  No

If NO, give the approximate date of disposition N/A

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) N/A

On other claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes  No

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff N/A  
Defendants N/A

2. Court (if federal court, name the district; if state court, name the county) N/A

3. Docket or Index number N/A

4. Name of Judge assigned to your case N/A

5. Approximate date of filing lawsuit N/A

6. Is the case still pending? Yes        No        A/A  
If NO, give the approximate date of disposition       

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)  
N/A

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 4 day of June, 2013.

Signature of Plaintiff

Inmate Number

Institution Address

Barney Haywood Jr.  
24X-12-09423  
11-11 Hazen Street  
RNDC - C 74  
East Elmhurst, NY  
11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 4 day of June, 2013, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

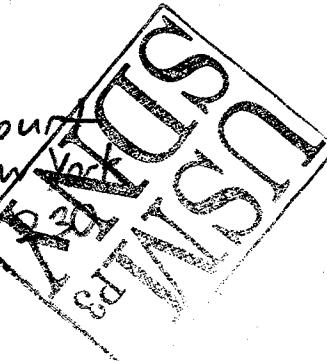
Signature of Plaintiff:

Barney Haywood Jr.

Anthony Howard (241-12-09423)  
16-00 Hazen Street OBCC-CPSU  
East Elmhurst, NY 11370



Pro Se Office  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1030  
New York, NY 10007



RECEIVED  
COPY PRO SE OFFICE  
MD AUG-6 A.M. '10

10007-1330